

0510.35 Award Recommendation – *Pre-Award*

Issued October 31, 2007

SUBJECT: Award Recommendation – Pre-Award

APPLICATION: Executive branch departments and sub units.

PURPOSE: To provide an outline of responsibilities involved in making an award recommendation.

CONTACT AGENCY: Department of Management and Budget (DMB)
Business Services Administration
Purchasing Operations (PurchOps)

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SUMMARY: These procedures apply to award recommendations for all commodities, general and professional services, and information technology products and services under the jurisdiction of PurchOps. These procedures are mandatory for executive branch departments unless specifically provided otherwise by statute.

APPLICABLE FORMS AND PROCESSES:

Published ITB/RFP (all Articles) with all addendums

- Civil Service Annual Conflict of Interest Disclosure
- Notification of Recommendation Letter Template

MAIN Electronic Documents & Processes:

- Purchase Order (PO) (PCHL2340) and attachments
- Blanket Purchase Order (BPO) (PCHL2342) and attachments
- CS-138, Contractual Services Request (PCHL2117)

DMB PurchOps Procedures & Policy Letters:

- Signature Authority Letter
- Protest Policy Letter/Procedures
- Alternate Payment (Direct Voucher (DV)/PCard) Letter (modifications to which are approved in conjunction with the State Budget Office, Office of Financial Management (OFM))

- PurchOps Internal Procedures for Award Recommendation

Procurement Documentation:

- Award Recommendation Checklist
- Confidentiality Statements
- Evaluation Summary/Synopsis including summary of any oral presentations, clarifications, Best and Final Offers (BAFO)
- Negotiations results/memos/letters
- Cost Over Estimate Approval
- Procurement Definitions Document
- Contract Folder Tabs 1-6

APPROVALS: Services: The disbursement of funds to pay for services performed by an independent contractor must have the prior approval of the Civil Service Commission pursuant to the CS-138 process (ADPICS screen PCHL2117). See the Department of Civil Service Website at www.michigan.gov/mdcs.

Agency & PurchOps: Internal approvals must be obtained and documented according to agency policies and procedures, including provisions surrounding signature authority.

PROCEDURES:

Agency:

- Must follow their department's procurement policies and procedures, recognizing that the policies and procedures of the delegating authority supersede those of the department in the event of a conflict.
- If the procurement lies within the department's delegated authority, makes the award recommendation internally in accordance with published process and procedures.
- Abides by the terms of the confidentiality and disclosure statements, referring any inquiring vendors to the PurchOps buyer with questions/inquiries.
- Offers appropriate agency staff in an advisory capacity for any additional evaluation teams, such as a pricing team, or financial review team if necessary to establish best-value recommendation.
- Obtains additional approvals needed to support the recommendation resulting from evaluation, i.e. modified CS-138 or cost-over-estimate approval.
- Participates in vendor debriefs if called upon.

PurchOps:

- Keeps the department informed of all progress throughout the process and all issues that arise, amending procurement plan as necessary in cooperation with agency customer.
- If the selected bid or proposal exceeds department's estimated cost by more than 10%, coordinates with agency contact to obtain approval from the requesting department for the additional expenditure. This approval may be given in the form of an email message, memo, or letter from the agency budget or finance representative, or designee given the authority by the department to commit the additional funds.
- Also obtains confirmation of Civil Service approval from the requesting department for an updated CS-138, if needed to proceed with the award.
- Obtains signed confidentiality statements from any additional individuals who may be provided materials surrounding responses or recommendations for further review or clarification prior to Administrative Board approval, before sharing any copies of the documentation with these individuals.
- Determines EFT readiness status of recommended vendor(s).
- Documents the results of any additional activities surrounding the solicitation, such as management review or pricing review team results, in the event these activities are conducted separately from the technical review. In the event of a buyer override on a JEC recommendation (see procedure 0510.34), includes documentation surrounding the action and rationale.
- According to signature authority levels, obtains and secures all necessary internal reviews, sign-offs, and approvals.
- Sends out notification of award recommendation letters to all respondents to the solicitation which begins the protest period, and offers debriefs for respondents. These should be sent via email if possible, with a delivery confirmation copy printed off for the bid/contract folder.
- Completes any remaining negotiations surrounding pricing, including prompt pay discounts if PCard or Direct Voucher (DV) is approved for payment methods, and/or terms and conditions with the recommended vendor(s).
- Conducts debriefs for those requesting them, prior to the close of the protest period, if requested.
- If a protest is submitted, investigates claims made by the protesting party, determines the appropriate action, and sends a reply outlining the review results and protest disposition, according to PurchOps policy and procedure relative to protests.
- According to signature authority levels, obtains and secures all necessary internal reviews, sign-offs, and approvals.
- Compiles the final contract agreement and forwards to the vendor for signature. Once signature is obtained, holds the contract for Administrative Board (AdBd) approval before moving forward to

obtain State signature(s). In some exceptional cases, the signatures may all be obtained after AdBd approval, rather than the vendor's prior and the State's following. Regardless of the order of signature, it is important to note that the purchase may not be executed until after AdBd approval, all signatures are obtained, **and** the purchase is posted within MAIN with an executed copy provided to the vendor, or after the effective date stated within the signed and approved PO or BPO, whichever is earliest..

- Places all documentation surrounding the procurement request, responses to solicitation(s), evaluation materials and any other items relative to the request and/or resulting PO/BPO, in the appropriate bid/contract folder tab for future reference and use.

AUTHORITY: Relevant Acts:

- Public Act 431, of 1984 as amended (Governing Authority)
- Public Act 91, of 2005 (Service Disabled Vet Preference)
- Public Act 237 of 1988 (Reciprocal Preference Table)
- Public Act 112 of 1988 (Persons with Disabilities)

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